

ORIGINAL

(S E R V E D)
(SEPTEMBER 2, 2011)
(FEDERAL MARITIME COMMISSION)

FEDERAL MARITIME COMMISSION

DOCKET NO. 11- 15

CITGO REFINING AND CHEMICALS COMPANY L.P.

v.

PORT OF CORPUS CHRISTI AUTHORITY OF NUECES COUNTY, TEXAS

NOTICE OF FILING OF COMPLAINT AND ASSIGNMENT

Notice is given that a complaint has been filed with the Federal Maritime Commission (Commission) by CITGO Refining and Chemicals Company L.P., hereinafter "Complainant," against the Port of Corpus Christi Authority of Nueces County, Texas (PCCA) hereinafter "Respondent". Complainant asserts that it is a limited partnership duly organized and existing under the laws of the State of Delaware, operating a petroleum refinery at two locations along the Corpus Christi Ship Channel. Complainant alleges that Respondent is a marine terminal operator and a "navigation district and political subdivision of the State of Texas."

Complainant alleges that it "has been charged wharfage and other charges calculated as a percentage thereof that are excessive and not reasonably related to the value of services rendered to CITGO." Further, "[t]hrough application of such charges, CITGO has been forced to subsidize costs associated with services provided to other users of port facilities." Complainant alleges that because of these actions and because Respondent is "unreasonably refusing to deal or negotiate with CITGO", the Port "has

violated and continues to violate the Shipping Act, 46 U.S.C. §§ 41106(2) and (3) and 41102(c)." Complainant requests the Commission issue an order "[c]ommanding the PCCA to cease and desist from engaging in the aforesaid violations of the Shipping Act; putting in force such practices as the Commission determines to be lawful and reasonable; and . . . [c]ommanding the PCCA to pay to CITGO reparations for violations of the Shipping Act, including the amount of the actual injury, plus interest, costs and attorneys fees; and . . . [c]ommanding any other such relief as the Commission determines appropriate." The full text of the complaint can be found in the Commission's Electronic Reading Room at www.fmc.gov.

This proceeding has been assigned to the Office of Administrative Law Judges. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 C.F.R. 502.61, and only after consideration has been given by the parties and the presiding officer to the use of alternative forms of dispute resolution. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record. Pursuant to the further terms of 46 C.F.R. 502.61, the initial decision of the presiding officer in this proceeding shall be issued by September 4, 2012 and the final decision of the Commission shall be issued by January 4, 2013.



Karen V. Gregory
Secretary



FEDERAL MARITIME COMMISSION

Office of the Secretary
800 North Capitol Street, N.W.
Washington, DC 20573-0001

Phone: (202) 523-5725
Fax: (202) 523-0014
E-mail: Secretary@fmc.gov

September 2, 2011

Marc J. Fink, Esq.
Cozen O'Connor
The Army & Navy Club Bldg.
1627 I Street, NW, Suite 1100
Washington, DC 20006-4007

RE: Docket No. 11-15 - Citgo Refining and Chemicals Company L.P. v. Port of Corpus Christi Authority of Nueces County, Texas

Dear Mr. Fink,

This is to advise that the complaint which you filed on behalf of Citgo Refining and Chemicals Company L.P. has been assigned Docket No. 11-15.

Service of the complaint and Complainant's First Set of Interrogatories, First Request for Admissions, and First Set of Production of Documents were made upon respondent as of the above date and an answer is due to be filed with the Commission within twenty (20) days, unless additional time is permitted under Rule 64 of the Commission's Rules of Practice and Procedure. See also Rules 2 to 13, 41, 42, and 101.

Sincerely,

A handwritten signature in black ink, appearing to read "Rachel E. Dickon", is written over a horizontal line.

Rachel E. Dickon
Assistant Secretary

cc: Office of Administrative Law Judges



FEDERAL MARITIME COMMISSION

Office of the Secretary
800 North Capitol Street, N.W.
Washington, DC 20573-0001

Phone: (202) 523-5725
Fax: (202) 523-0014
E-mail: Secretary@fmc.gov

September 2, 2011

Ports of Corpus Christi Authority of Nueces County, Texas
222 Power Street
Corpus Christi, TX 78401

Attn: Port Commission

RE: Docket No. 11-15 - Citgo Refining and Chemicals Company L.P. v. Port of Corpus Christi Authority of Nueces County, Texas

Dear Port Commission:

Enclosed is a copy of the above-numbered complaint in which Ports of Corpus Christi Authority of Nueces County, Texas has been named respondent. Also included are the Complainant's First Set of Request for Admissions, First Set of Interrogatories, and First Set of Production of Documents.

An answer to the complaint is due to be filed with the Commission within twenty (20) days after the date of service stamped on the complaint, unless additional time is permitted under Rule 64 of the Commission's Rules of Practice and Procedure. See also Rules 2 to 13, 41, 42, and 101.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rachel E. Dickon', with a long, sweeping horizontal line extending to the right.

Rachel E. Dickon
Assistant Secretary

Enclosure
cc: Office of Administrative Law Judges



A PROFESSIONAL CORPORATION

THE ARMY AND NAVY CLUB BUILDING SUITE 1100 1627 I STREET, NW WASHINGTON, DC 20006-4007
202.912.4800 800.540.1355 202.912.4830 FAX www.cozen.com

RECEIVED

20 AUG 30 PM 54

OFFICE OF THE SECRETARY
FEDERAL MARITIME COMMISSION

WRITER'S DIRECT DIAL
(202) 463-2503

August 30, 2011

VIA HAND DELIVERY

Ms. Karen V. Gregory
Secretary
Federal Maritime Commission
Room 1046
800 North Capitol Street, N.W.
Washington, D.C. 20573

PAYMENT RECEIVED
FMC
Date 8/30/11
Check No. 324056
Amount 22100
Received By LM

Re: Complaint

Dear Ms. Gregory:

Enclosed for filing pursuant to Section 502.62 of the Commission's regulations are the original and fifteen (15) copies of a complaint by CITGO Refining and Chemicals Company L.P. against Port of Corpus Christi Authority of Nueces County, Texas.

Also enclosed, pursuant to Section 502.201(b) of the Commission's regulations, are the original and fifteen (15) copies of Complainant's First Request for Admissions, First Set of Interrogatories and First Request for Production of Documents to Respondent.

We understand that pursuant to Section 502.113(a) of the Commission's regulations, the Commission will effect service of the enclosed complaint and discovery requests upon the respondent.

A check for the appropriate filing fee is enclosed.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Marc J. Fink".

Marc J. Fink
Counsel to Complainant

Encls.